

1 ANDREW M. SPURCHISE, Bar No. 245998  
aspurchise@littler.com  
2 LITTLER MENDELSON, P.C.  
900 Third Avenue  
3 New York, New York 10022  
Telephone: 212.583.9600  
4 Facsimile: 212.832.2719

5 SOPHIA BEHNIA, Bar No. 289318  
sbehnia@littler.com  
6 LITTLER MENDELSON, P.C.  
333 Bush Street, 34th Floor  
7 San Francisco, California 94104  
Telephone: 415.433.1940  
8 Facsimile: 415.399.8490

9 Attorneys for Defendants  
UBER TECHNOLOGIES, INC. and  
10 RASIER-CA, LLC

11 *[Additional counsel listed on next page]*

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 RICARDO DEL RIO, a California  
resident, on behalf of himself, the proposed  
16 class and collective class; JOSE  
VALDIVIA, a California resident, on  
17 behalf of himself, the proposed class and  
collective class; JOSE PEREIRA, a  
18 California resident, on behalf of himself,  
the proposed class and collective class,

19 Plaintiffs,

20 v.

21 UBER TECHNOLOGIES, INC., a  
22 Delaware Corporation, RASIER-CA, LLC,  
a Delaware Limited Liability Company,  
23 and DOES 1 through 10, inclusive,

24 Defendants.  
25  
26  
27  
28

Case No. 3:15-cv-03667-EMC  
*[Related to 3:13-cv-03826-EMC]*

**STIPULATION TO SUBMIT MATTER TO  
BINDING ARBITRATION AND STAY  
ACTION; [PROPOSED] ORDER**

Complaint Filed: August 11, 2015  
FAC Filed: September 21, 2015  
SAC Filed: April 27, 2016  
Trial Date: None set

1 CHRISTOPHER J. HAMNER, SBN 197117  
2 chamner@hamnerlaw.com  
3 HAMNER LAW OFFICES, APC  
4 555 W. 5th Street, 31st Floor  
5 Los Angeles, California 90013  
6 Telephone: 213.533-4160  
7 Facsimile: 213.533-4167

8 BRIAN S. KABATECK, SBN 152054  
9 bsk@kbklawyers.com  
10 SHANT A. KARNIKIAN, SBN 285048  
11 sk@kbklawyers.com  
12 KABATECK BROWN KELLNER LLP  
13 644 South Figueroa Street  
14 Los Angeles, California 90017  
15 Telephone: (213) 217-5000  
16 Facsimile: (213) 217-5010

17 Attorneys for Plaintiffs  
18 RICARDO DEL RIO, JOSE VALDIVIA and JOSE PEREIRA  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# STIPULATION

Plaintiffs Ricardo Del Rio, Jose Valdivia, and Jose Pereira (collectively “Plaintiffs”) and Defendants Uber Technologies, Inc. and Rasier-CA, LLC (collectively “Uber”) (Plaintiffs and Defendants are collectively referred to as the “Parties”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on August 11, 2015, Plaintiff Del Rio filed the Complaint in this action in the United States District Court, Northern District of California, Case No: 3:15-cv-03667-EMC;

WHEREAS, on September 21, 2015, Plaintiff Del Rio amended his Complaint and added Tony Mehrdad Sagheblian as a named Plaintiff in this action;

WHEREAS, on October 14, 2015 Defendants filed a motion to compel Plaintiffs Del Rio and Sagheblian to arbitrate their claims on an individual basis and to dismiss their class claims, and the Court denied Defendants’ motion on December 16, 2015;

WHEREAS, on December 18, 2015 Defendants filed a notice of appeal of this Court’s order denying Uber’s motion to compel arbitration;

WHEREAS, on January 27, 2016, the United States Court of Appeals for the Ninth Circuit consolidated the appeal in this matter with the appeals from the denial of arbitration in *O’Connor et al. v. Uber Technologies, Inc.*, No. 15-17420 and *Yucesoy v. Uber Technologies, Inc.*, No. 15-17422 (collectively the “Consolidated Appeals”);

WHEREAS, on February 23, 2016 the Parties stipulated and agreed that Plaintiff Sagheblian would pursue his claims in binding individual arbitration;

WHEREAS, on April 27, 2016, Plaintiff Del Rio filed a Second Amended Complaint adding Jose Valdivia and Jose Pereira as named Plaintiffs in this action;

WHEREAS, on September 25, 2018, the United States Court of Appeals for the Ninth Circuit issued its opinion in the Consolidated Appeals, reversing this Court’s order denying Defendants’ motion to compel arbitration;

WHEREAS, the Parties have met and conferred and agree that in light of the Ninth Circuit’s decision in the Consolidated Appeals, Plaintiffs’ shall submit the claims in their Second Amended Complaint to binding individual arbitration; and

WHEREAS, the Parties agree that that case management conference scheduled for April 18, 2019 should be vacated, and that the Parties' will provide a status update regarding the arbitrations in 120 days.

NOW THEREFORE, subject to the approval of this Court, it is hereby stipulated and agreed, by and between the parties, as follows:

1. Plaintiffs' claims in the Second Amended Complaint shall be submitted to binding individual arbitration before mutually agreeable arbitrators;

2. The above-captioned matter shall be stayed pending the decision of the arbitrators and the Court shall retain jurisdiction for purposes of enforcing this Stipulation and final arbitration orders or awards; and

3. The case management conference scheduled for April 18, 2019 shall be vacated, and the Parties' will provide a status update regarding the arbitrations in 120 days.

**IT IS SO STIPULATED.**

Dated: April 11, 2019

/s/ Chris Hamner

CHRISTOPHER J. HAMNER  
HAMNER LAW OFFICES, APC  
Attorneys for Plaintiffs  
RICARDO DEL RIO, JOSE VALDIVIA and JOSE PEREIRA

Dated: April 11, 2019

/s/ Sophia Behnia

SOPHIA BEHNIA  
LITTLER MENDELSON, P.C.  
Attorneys for Defendants  
UBER TECHNOLOGIES, INC. AND RASIER-CA, LLC

**ATTESTATION OF FILER**

I, Sophia Behnia, attest that concurrence in the filing of this document has been obtained from Christopher Hamner, which shall serve in lieu of his signature on this document.

Dated this 11<sup>th</sup> day of April, 2019.

/s/ Sophia Behnia  
SOPHIA BEHNIA

**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

1. Plaintiffs' claims in the Second Amended Complaint shall be submitted to binding individual arbitration before mutually agreeable arbitrators;

2. The above-captioned matter shall be stayed pending the decision of the arbitrators and the Court shall retain jurisdiction for purposes of enforcing this Stipulation and final arbitration orders or awards; and

3. The case management conference scheduled for April 18, 2019 shall be vacated, and the Parties' will provide a status update regarding the arbitrations in 120 days.

IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2019

\_\_\_\_\_  
The Honorable Edward M. Chen  
United States District Judge